

## **REMARKS**

Claims 1 and 3-42 are pending. Claims 1 and 3-42 are believed to be allowable over the references cited by the Examiner as discussed below. Accordingly, a Notice of Allowance for the present application is respectfully requested.

### **Rejection Under 35 U.S.C. §102(e)**

Claims 1, 3-9, 11-14, 17, 20-25, 27-30, and 33-42 were rejected under 35 U.S.C. 102(e) as being anticipated by Etter.

Independent claim 1 generally recites a level adjusting device having first and second signal processors operable to dynamically adjust both first and second signal levels associated with corresponding outgoing and incoming signals with reference to the first and second signal levels, respectively, in a plurality of frequency bands.

In contrast, Etter discloses determining a gain based on both near- and far-end signals but only applies the gain to the far-end signal in the frequency domain. Although a gain is applied to the near-end signals, the gain is applied in the time domain and thus in a plurality of frequency bands.

As Etter notes, while the signal processing is nearly identical, the echo control applied to the near-end and far-end signals are different (col. 4, lines 43-49). Specifically, Etter states that “a method of processing a signal between a near-end and a far-end of a telephone network includes receiving both a near-end signal and a far-end signal. A near-end noise component is estimated from the near-end signal, while a far-end noise component is estimated from the far-end signal. Based on the near-end noise component and the far-end noise component, *the far-end signal is adjusted to generate a modified signal.*”(Col. 1, line 63-col. 2, line 4; see also claim 1, last line, “applying the combined gain to the far-end signal”). In addition, Etter states that a gain is applied to compensate for a noise component estimated on the near-end signal in the time domain. (Col. 2, lines 49-54, see also claim 6: “applying a gain compensating for a noise component of a near-end signal” *in the time domain*).

As is evident, Etter neither discloses nor suggests dynamically adjusting both far- and near-end signal in a plurality of frequency band, as generally recited in independent claim 1.

With respect to independent claim 41, claim 41 generally recites a level adjusting device having first and second signal processors operable to dynamically adjust first and second signal levels associated with corresponding outgoing and incoming signals with reference to the first

and second signal levels, respectively, where each signal processor includes a static gain control component and a dynamic gain control component. The static gain control component being generally static at least for the duration of each and the dynamic gain control component being to dynamically adjust the corresponding signal level.

However, Etter neither discloses nor suggests providing both static and dynamic gain controls for the far- and near-end signals, as generally recited in independent claim 41.

Withdrawal of the rejection of independent claims 1 and 41 as well as claims 3-9, 11-14, 17, 20-25, 27-30, and 33-40 and 42 dependent variously therefrom, under 35 U.S.C. §102(e) is respectfully requested.

### **Rejection Under 35 U.S.C. §103**

Claims 15 and 16 were rejected under 35 U.S.C. 103(a) as being unpatentable over Etter in view of well known prior art.

However, because claims 15 and 16 are dependent from claim 1, claims 15 and 16 are also believed to be allowable for at least similar reasons as those discussed above.

### **CONCLUSION**

Applicants believe that all pending claims are allowable and respectfully request a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

In the unlikely event that the transmittal letter accompanying this document is separated from this document and the Patent Office determines that an Extension of Time under 37 CFR 1.136 and/or any other relief is required, Applicant hereby petitions for any required relief including Extensions of Time and/or any other relief and authorizes the Commissioner to charge

the cost of such petitions and/or other fees due in connection with the filing of this document to  
Deposit Account No. 50-2315 (Order No. 05-008).

Respectfully submitted,



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